

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CAZ NOS.22/2017, CAZ 23/2017 AND CAZ 24/2017

IN

LETTERS PATENT APPEAL NO.312 OF 2008

IN

WRIT PETITION NO.1084 OF 1993 [D]

[Shiolal Sunderlal Marwadi .vs. Daulatram Hiralal Marwadi (dead) and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Deshpande, Advocate for petitioner,
Ms. Deepali Sapkal, Advocate for respondent no.4 (1 to 4).

CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA JOSHI, JJ.

DATED : JANUARY 23, 2018.

Legal heirs of deceased appellant wish to come on record. There is a delay and consequential abatement. Prayer is to condone the delay, to set aside abatement and to permit the legal heirs to come on the record.

Advocate Ms. Deepali Sapkal, on behalf of respondents, is opposing the prayer. She submits that fact of death was brought on record by her way back in 2010.

The grievance arises within the provisions of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.

We, in the interest of justice, therefore, condone the delay, set aside abatement and permit legal heirs to come on record and there are no mala-fides. By filing pursis, the respondent, at the most, has brought fact of death to the notice of the

learned counsel of deceased appellant.

The necessary amendment be carried out within one week.

List L.P.A. for final hearing immediately thereafter.

JUDGE

JUDGE

Gulande